

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JSW DIVERSIFIED, L.L.C.

8

Plaintiff

§§§§

V.

CIVIL ACTION NO. 5:22-cv-00196

**ATMA ENERGY, LLC AND
SUPRATIM SRINIVASAN,**

§

Defendant.

§§§

JOHN STEVE WHITAKER

8

Third-Party Defendant.

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**JSW DIVERSIFIED, LLC'S AND
JOHN STEVE WHITAKER'S NOTICE OF REMOVAL**

COMES NOW, Plaintiff and Counter-Defendant, JSW Diversified, LLC (“JSW”) and Third-Party Defendant, John Steve Whitaker (“Whitaker”) and file this Notice of Removal of Cause No. 2022CI00752; *JSW Diversified, L.L.C. v. ATMA Energy, LLC and Supratim Srinivasan*; In the 73rd Judicial District Court of Bexar County, Texas to the United States District Court for the Western District of Texas, San Antonio Division pursuant to 28 U.S.C. §§ 1441 and 1446, and as grounds for removal respectfully shows the following:

BACKGROUND

1. On January 13, 2022, JSW filed its Original Petition in Cause No. 2022CI00752; *JSW Diversified, L.L.C. v. ATMA Energy, LLC and Supratim Srinivasan*; In the 73rd Judicial District Court of Bexar County (the “**State Court Case**”).¹ In the State Court Case, JSW brought

¹ Copies of the pleadings filed in the State Court Case, prior to this Notice of Removal, are attached hereto and incorporated herein for all purposes

claims against ATMA for breach of contract and against Srinivasan for breach of fiduciary duty and fraud.

2. On February 15, 2022, Srinivasan brought counterclaims against JSW and a Third-Party Petition against Whitaker alleging violations of the United States Fair Labor Standards Act (the “FLSA”).

3. JSW and Whitaker now file this Notice of Removal within the 30-day time period required by 28 U.S.C. §§ 1446(b)(1). *Bd. Of Regents of Univ. of Tex. Sys v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

BASIS FOR REMOVAL

4. This court has original jurisdiction under 28 U.S.C. § 1331, and the action may be removed by JSW and Whitaker pursuant to 28 U.S.C. § 1441(c)(1)(A) because this is a civil action involving a claim arising under the laws or treaties of the United States, specifically, the FLSA. *See* 29 U.S.C. § 201 *et. seq.*; 28 U.S.C. § 1331, 1441(c)(1)(A).

5. Pursuant to 28 U.S.C. § 1446(a) and all pleadings, process, orders, and all other filings in the State Court Case are attached this this Notice. Copies of the pleadings filed in the State Court Case, prior to this Notice of Removal, are as follows:

Exhibit A	Civil docket sheet from State Court
Exhibit B	Plaintiff's Original Petition
Exhibit C	Defendants, Counter-Plaintiff, and Third-Party Plaintiff's Special Exceptions, Original Answer, Original Counterclaims and Original Cross-Claims
Exhibit D	JSW Diversified, L.L.C.'s and John Steve Whitaker's Original Answer

6. Venue is proper in this District under 28 U.S.C. § 1446(a) because this District and Division embrace the place in which the removed action was pending.

7. Following the filing of this Notice with this Court, written notice of the filing of same will be provided to ATMA's and Srinivasan's counsel, as required by law.

8. Following the filing of this Notice with this Court, a true and correct copy of this Notice will be filed with the 73rd Judicial District Court of Bexar County, Texas, as required by law.

9. On these grounds, JSW and Whitaker hereby request the removal of the State Court Case to this Court.

Respectfully submitted,

COKINOS | YOUNG

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**ATTORNEYS FOR PLAINTIFF
JSW DIVERSIFIED, L.L.C.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the following has been served under Rules 21 and 21a of the Texas Rules of Civil Procedure, via email, on 2nd day of March, 2022, to the following counsel:

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